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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Ronald Sandlin,

Defendant.

2:21-mj-00110-DJA

Government's Detention Memorandum

I. Introduction

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this memorandum in support of its motion that the defendant be detained pending trial pursuant to 18 U.S.C. §§ 3142 (f)(2)(B) (Serious Risk to Obstruct Justice). The government requests that the following points and authorities, as well as any other facts, arguments and authorities presented at the detention hearing, be considered in the Court's determination regarding pretrial detention.

II. Procedural History and Applicable Authority

On January 28, 2021, the District Court for the District of Columbia issued an arrest warrant pursuant to the filed complaint charging the defendant Nathan DeGrave with one felony count of Obstructing Law Enforcement Incident to Civil Disorder (in violation of 18 U.S.C. § 231(a)(3)) and two misdemeanor counts related to his unlawful and disorderly conduct at the U.S. Capitol Grounds and U.S. Capitol Building. These charges stemmed from his actions on January 6, 2021, during the timeframe a joint session of the United States Congress had convened to certify the vote count of the Electoral College of the 2020 Presidential Election.

On January 28, 2021, DeGrave was arrested in the District of Nevada pursuant to the arrest warrant mentioned above. The government is filing this detention memorandum and is prepared to proceed to argument at the initial appearance scheduled today. The government seeks detention pursuant to 18 U.S.C. § 3142 (f)(2)(B), as there is clear and convincing evidence that the defendant poses a serious risk to obstruct justice.

Once the statutory basis for detention is established, the Bail Reform Act permits a judicial officer to hold an individual without bond pending trial if the officer finds clear and convincing evidence that “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e). Under the Bail Reform Act, the Government may proceed by way of proffer. *See, e.g., United States v. Smith*, 79 F.3d 1208, 1210 (D.C. Cir. 1996); *United States v. Cabrera-Ortigoza*, 196 F.R.D. 271 (S.D. Cal. 2000); *United States v. Hong Vo*, 978 F. Supp. 2d 41, 42 (D.D.C. 2013). Because there is no condition or combination of conditions that will reasonably assure the safety of any other person and the community, he should be detained.

III. Factual Background

A. The Attack on the United States Capitol on January 6, 2021

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

1 At such time, the certification proceedings still underway and the exterior doors and
2 windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S.
3 Capitol Police attempted to maintain order and keep the crowd from entering the Capitol;
4 however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol,
5 including by breaking windows and by assaulting members of the U.S. Capitol Police, as
6 others in the crowd encouraged and assisted those acts.

7 Shortly thereafter, at approximately 2:20 p.m. members of the United States House
8 of Representatives and United States Senate, including the President of the Senate, Vice
9 President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly,
10 the joint session of the United States Congress was effectively suspended until shortly after
11 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was
12 evacuated from the Senate Chamber until the sessions resumed.

13 During national news coverage of the aforementioned events, video footage which
14 appeared to be captured on mobile devices of persons present on the scene depicted
15 evidence of violations of local and federal law, including scores of individuals inside the
16 U.S. Capitol building without authority to be there.

17 **B. DeGrave's Criminal Conduct on January 6, 2021 and Subsequent Identification**

18 Following the events of January 6, 2021, FBI investigators reviewed a copy of
19 surveillance video footage obtained from an internal security camera covering a hallway in
20 the U.S. Capitol Senate Gallery with a date and time stamp reading Wednesday, January 06,
21 2021, at 2:41:28 PM, which provides a view of a hallway and several sets of doors to rooms
22 or areas out of the view of the camera. The beginning of the video clip showed several
23 unidentified subjects in the hallway. A U.S. Capitol Police (USCP) officer (hereinafter
24

1 referred to as “USCP1”) is seen entering one of these sets of doors and is shortly joined by
2 two other USCP officers (“USCP2” and “USCP3”). As part of their official duties, USCP1,
3 USCP2, and USCP3 were clearing individuals out of rooms and securing the doors.

4 Approximately 27 seconds into the video clip, an individual who was later identified
5 as Ronald Sandlin¹ entered the view of the security camera wearing a bright orange
6 sweatshirt, baseball cap, backpack, a second smaller bag over his shoulder, and what appeared
7 to be camera equipment, including a camera and a small tripod. Shortly thereafter, USCP2
8 and USCP3 moved toward the second set of doors to start to usher people out, while USCP1
9 finished locking the first set of doors. Sandlin is seen walking next to USCP1 as he
10 approached the second set of doors, and while USCP2 is attempting to close the second set
11 of doors. Sandlin is observed cutting in front of USCP1 and attempting to wrestle the door
12 away from USCP2. This wrestling to keep the door open causes an individual later identified
13 as the defendant, Nate Degrave, Sandlin, and several other unidentified subjects to become
14 engaged in a shoving match with the USCP officers. While this shoving match transpires,
15 the three USCPs are without backup in a hallway surrounded by what appeared to be at least
16 20 individuals.

17 In the surveillance footage, DeGrave is observed wearing black tactical gear, including
18 what appears to be body armor, a helmet, and a mask/face shield. As the three USCPs make
19 their way away from the crowd down the hallway and out of view of the security camera,
20 DeGrave, Sandlin, and several others are observed on the video footage acting in an

21
22 ¹ On January 20, 2021, Sandlin was charged with two counts of obstructing law
23 enforcement engaged in official duties incident to civil disorder and one count each of
24 unlawful entry on restricted grounds and violent entry and disorderly conduct on Capitol
grounds.

1 aggressive manner towards the USCPs. DeGrave can be seen putting up his fists as if to begin
2 boxing one of the retreating USCP officers. As the USCP officer steps away, DeGrave is
3 observed banging his chest. DeGrave then removes his mask/face shield, revealing his face
4 and a red-white-and-blue bandanna around his neck.

5 On or about January 15, 2021, law enforcement reviewed the publicly-available
6 content for the “Ronnie.Sandlin” Facebook account (“Facebook account”), including posts
7 dated January 6, 2021. In one Facebook post from December 23, 2020, Sandlin posted as
8 follows:

9 Who is going to Washington D.C. on the 6th of January? I’m
10 going to be there to show support for our president and to do
11 my part to stop the steal and stand behind Trump when he
12 decides to cross the rubicon. If you are a patriot I believe it’s
your duty to be there. I see it as my civic responsibility. If
you’re going comment below or PM me so we can meet up.

13 Sandlin also posted in response to a comment from DeGrave: “cool man I’m driving from
14 Memphis if you want to join. Probably gonna rent a car and drive there. Assume flights
15 into and surrounding DC will be shutdown because they don’t want people to come and
16 they will blame in on Covid.” In a post made on December 31, 2020, Sandlin stated:

17 Dear Patriots, I’m organizing a caravan of patriots who are
18 going to Washington D.C. to stand behind our president
19 Donald J. Trump. I posted about this last week and a got
20 almost a dozen messages from people asking how they can help
21 or expressing their wish to participate somehow. Josiah Colt,
22 Nate DeGrave, and myself have already booked and paid for
23 our trip to Washington D.C. but we could use your help and
24 support! Every dollar you contribute to us is a smack in the
face to Antifa. Every penny is a boot in the ass against tyranny.
Every Buffalo nickel is a body slam against China. If you can’t
be there in person this is the next best thing. We will be
documenting our journey and every contributor will get a
personal thank you video shot on location in Washington D.C.
and will be featured as a contributor on the video mini

documentary. Share, comment, like, and hate on us in the comments.”

In this post, Sandlin referred to two other individuals who also booked their trips to DC:

“Josiah Colt”² and “Nate DeGrave.” The post also contains a link to a GoFundMe webpage³ appearing to depict Sandlin in a car holding what appears to be a semi-automatic rifle and the caption “Patriots Defending Our Country On Jan. 6th, organized by Ronnie Sandlin.” Investigators also noted that a Facebook account bearing the username “Nate DeGrave” posted a comment to one of Sandlin’s posts described above, stating that “[i]t’s time the American people rise and stand up for this country. We’re tired of the corruption.”

Investigators reviewed another “selfie”-style video, received as an anonymous online tip, of Sandlin, Colt, and DeGrave inside a restaurant. The majority of the video appears to depict Sandlin wearing the same bright orange sweatshirt and black rimmed glasses as the individual seen in the images described above. Based on some of Sandlin’s statements in the video, it appears this video was recorded after a rally in DC the morning of January 6, 2021, but prior to the Capitol riot.

In the video, Sandlin says, no less than three times, *“freedom is paid for with blood.”* Sandlin is also heard saying:

Alright so we have been at the protests...we were there pretty early, scoped it out...there were some scrimmages, I will upload the video later...I think a precursor of what is going to [happen] in a few hours. People are really mad...it is just a precursor to what’s going to happen...Either way there is going to be violence.

² Josiah Colt, whom investigators believe was present with DeGrave and Sandlin inside the Capitol building during the riot, has been charged in the District Court for the District of Columbia with multiple offenses in connection with the Capitol riot.

³ GoFundMe is a social fundraising online platform allowing individuals to raise money for a particular cause or reason.

1
2 A little later in the video, Sandlin states:

3 What is happening to this country is absolutely horrific,
4 absolutely horrific...we are ready to occupy the state capitol if
5 needed to...I urge other patriots watching this too, to be willing
6 to take the capitol...*if you are watching this and you are a patriot
and are here, I think it is time to take the capitol and I don't say that
lightly....* I am willing to do it, I willing to go and fight for this
7 country. Even if that means I have to sacrifice in some capacity.
It is not what I want to do...

8 In the video, Sandlin appears to hand the device used to record the video to two
9 other individuals who have since been identified as Josiah Colt and Nathe DeGrave, who is
10 wearing a red-white-and-blue bandanna around his neck. Sandlin refers to Colt in the video
11 as "Josiah" before handing the phone over to Colt. In the video, Colt states that "they are
12 leaving bricks everywhere. There are piles of bricks. It seems like they are encouraging
13 people to riot, because they are leaving stacks of bricks around the city." Sandlin interrupts
14 Colt, stating "allegedly." Colt replies: "No, there are pictures, dude...Nate, show him."
15 DeGrave then shows a picture on his phone of what appeared to be a stack of bricks.
16 Sandlin proceeds to ask "Nate" if he wants "to say something," at which point DeGrave
17 responds:

18 We are out here protecting the country, if shit goes down, if
19 Pence does what we think he is going to do. Then we are here
20 to defend this city, defend any city in this country. Let Antifa try
us, we are here, we are ready. I say bring it. We are not silent
anymore.

21 Colt then says: "The whole thing is a scam, dude. The whole election, they can't just steal an
22 election. Like they are trying to do in Georgia last night. It is a lie." DeGrave responds:
23 "We are sick and tired of the fucking lies. *It is time to put an end to this once and for all.*"
24

1 Sandlin replies: “You either have conviction and you stand up for what you believe in or you
2 sit down and shut the fuck up...” Towards the end of the video, Sandlin stated:

3 If we need to occupy the capitol, we will occupy the capitol. You
4 guys are driving all the way to DC and you are missing the rally.
5 We have been at the rally, we went last night, we have been at
6 the rally since six in the morning. We needed to grab a bite to
eat, and like decompress because we went through a few intense
moments and also regroup and plan for the next....one o'clock
is when it is all going to go down. So we are going to be there
back by one o'clock when it is action time it is game time.

7
8 These statements appear to refer to the joint session of Congress at the U.S. Capitol building
9 that began at approximately 1:00 p.m. Eastern Standard Time (EST).

10 Further investigation revealed a video posted to Youtube titled “Josiah Colt Says
11 Violence at the Capital Might be Necessary.” In the video, Sandlin and Colt were interviewed
12 alongside an individual believed to be DeGrave, who is dressed in tactical gear—i.e., black
13 body armor, a helmet, and a face mask—and a red-white-and-blue bandanna around his
14 neck. In the video, Colt says “[i]f violence happens, it happens” and “we’re just hear to defend
15 ourselves,” at which point the individual believed to be DeGrave can be seen nodding, as if
16 in approval. Sandlin then interjects, stating that he “support[s] Trump” and, again, “freedom
17 is paid for with blood.”

18 In response to a search warrant for Sandlin’s Facebook account, Facebook returned
19 posts and conversations featuring Sandlin and DeGrave. In one December 30, 2020
20 conversation, Sandlin wrote, “Yo sorry bro I’m going back and fourth about going some
21 people I respect are saying it may get dangerous” and then “Are you down for danger bro?”
22 DeGrave responded, “Im bringing bullet proof clothing” and “yes.”

1 The FBI also received via an online tip an undated eight-second screen capture of a
2 video posted by Josiah Colt to social media, bearing the caption “Nate’s bear mace was
3 going off in his pocket and it started filling the van bear spray.” In the short video, Sandlin
4 notes that bear mace was going off in the car and both Sandlin and Colt are seen coughing
5 in the video.

6 On January 28, 2021, cell-site data for Sandlin’s phone received pursuant to a search
7 warrant led investigators in the FBI Las Vegas division to locate and visually identify
8 Sandlin’s vehicle parked outside the Las Vegas apartment complex where DeGrave was
9 confirmed to reside. That same day, Sandlin was spotted leaving the apartment and taken
10 into custody by the FBI. Based on the defendant’s actions on January 6, 2021, a complaint
11 and arrest warrant for DeGrave were issued on January 28, 2021, and DeGrave was arrested
12 at his residence.

13 IV. ARGUMENT

14 There are four factors under § 3142(g) that the Court should consider and weigh in
15 determining whether to detain a defendant pending trial: (1) the nature and circumstances of
16 the offense charged; (2) the weight of the evidence against the defendant; (3) his history and
17 characteristics; and (4) the nature and seriousness of the danger to any person or the
18 community that would be posed by his release. *See* 18 U.S.C. §3142(g). In consideration of
19 these factors, the government respectfully submits that there are no conditions or
20 combinations of conditions that can effectively ensure the safety of any other person and the
21 community.

A. Nature and Circumstances of the Offenses Charged

During the course of the January 6, 2021, siege of the U.S. Capitol, multiple law enforcement officers were assaulted by an enormous mob, which included numerous individuals with weapons, bulletproof vests, and pepper spray who were targeting the officers protecting the Capitol. The violent crowd encouraged others in the crowd to work together to overwhelm law enforcement and gain unlawful entry into the U.S. Capitol.

The defendant's conduct is extremely troubling. As noted above, on January 6, 2021, the defendant joined a large mob that substantially outnumbered law enforcement at the rotunda entrance to the U.S. Capitol. In addition to his unlawful entry into the Capitol and disorderly conduct while inside, DeGrave assaulted and intimidated police officers in the Capitol that day. The defendant's assaultive behavior contributed to the mob's ability to successfully breach and wander the U.S. Capitol, putting additional law enforcement officers and members and staff of Congress at grave risk. The defendant's actions thus partly enabled other rioters to commit multiple other criminal acts inside the building.

In addition to his actions within the Capitol on January 6, DeGrave's actions prior to the riot are also disturbing. DeGrave stormed the U.S. Capitol on January 6, 2021, dressed in full tactical gear. Prior to the riot, he and Sandlin evinced a willingness to face danger in Washington, DC that day, and DeGrave even planned to "bring[] bullet proof clothing." This is not the behavior of someone who intends only to protest peacefully. DeGrave's comments leading up to the riot demonstrate planning, determination, and coordination to engage in violent conduct that day "if Pence does what we think he is going to do"—i.e., certify the electoral college results deeming President Biden the winner of the 2020 election.

DeGrave's comment that "it is time to put an end to this once and for all" are similarly menacing.

On January 6, the defendant combined his criminal intention to interfere with the functioning of Congress with an assault on the law enforcement officers trying to protect that function. As a result, the nature and circumstances of these offenses overwhelmingly weigh in favor of detention.

B. Weight of the Evidence Against the Defendant

The second factor to be considered, the weight of the evidence, also clearly weighs in favor of detention. The evidence against the defendant is quite strong and compelling. As noted above, the defendant was observed on U.S. Capitol surveillance cameras attacking law enforcement officers. Videos captured by the media and on Sandlin's social media corroborate the identification of DeGrave as the person assaulting officers dressed in tactical gear in the neck bandanna that day, as well as his intent to "defend this city," apparently by storming the Capitol and assaulting officers while inside. This factor thus also weighs heavily in favor of detention.

C. Defendant's History and Characterizes

The government recognizes that the defendant does not have a significant criminal history. However, the defendant's actions, as demonstrated by his apparent willingness to engage in assaultive behavior as part of a violent mob and his preparation and planning for violence leading up to January 6 should give this Court great concern about the danger he would pose to the community if released.

D. Danger to the Community and Flight Risk

The charged offenses involve assaultive conduct as part of a violent mob. A search of DeGrave's apartment pursuant to a warrant revealed a gun (though lawfully registered to him), and he can be seen in tactical gear on January 6 that may be "bullet proof," as he indicated to Sandlin via Facebook.

The danger the defendant caused by assisting the violent mob cannot be understated. The defendant was a spoke in the wheel that caused the historic events of January 6, 2021, and he is thus a danger to our society and a threat to the peaceful functioning of our community.

IV. Conclusion

For the above reasons, the Government submits that there is no condition or combination of conditions that will reasonably assure the safety of any other person and the community if DeGrave is released, and therefore the Court should grant the government's motion to detain him.

Respectfully submitted this 1st day of February 2021.

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